

**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

**Claims Status**

Claims 1-30 are pending and are rejected. Of the pending rejected claims, claims 1 and 16 are independent in form. Claims 2 and 17 are herein amended to correct for inadvertent typographical errors.

**Claim Rejections under 35 USC § 112:**

Claims 11-15 and 26-30 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See ¶2 of the Office Action.

In response, Applicant herein cancels claims 11-15 and 26-30 without prejudice or disclaimer, rendering these rejections moot. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

**Claim Rejections under 35 USC § 103(a):**

Claims 1-30 have been rejected under 35 U.S.C. §103(a) as being unpatenable over US PAT No. 4,972,453 to Daniel, III et al. (herein Daniel) in view of "the admitted prior art". See ¶4 of the Office Action.

**Independent Claims 1 and 16**

The Examiner has taken the position that Daniel teaches a PBX switch; a computing platform coupled to the PBX switch; and component based interface objects running on said computing platform, said component based interface objects defines properties, methods and events, said properties, methods and events being mapped to provide diagnostics and statistical information. (See ¶4, page 3 of the Office Action.)

However, the Examiner admits that Daniel does not specifically teach the use of a control interface for controlling CSTA protocols. Nonetheless, the Examiner alleges that "this

feature is old and well known as admitted by applicant specification page 3, lines 1-3" (Office Action, ¶4).

Review of Daniel shows that it is directed to an autonomous system for directly maintaining remote computer systems by directly accessing the remote computer system, diagnosing, and clearing those computer systems. According to Daniel, the expert system automates the technician-performed remote access process by automating the step of placing a data call through the public telephone switching network and then invoking the test procedure. See Daniel col. 2, lines 40-54. Daniel does not teach or suggest a control interface for controlling CSTA protocols (or, for that matter, any other protocol) in a PBX switch.

The present invention, on the other hand, is directed to a method and apparatus for controlling computer supported telephony applications (CSTA) protocols. The present invention includes inter alia a control interface for CSTA protocols that utilizes, e.g., ActiveX properties, methods, and events. The interface can provide statistics and diagnostics via property pages and maintains a rich set of statistics, e.g., messages/sec, number of requests, number of responses, number of events, number of errors and number of rejects. For example, the interface of the present invention is able to access events and services provided by the CSTA protocols.

Thus, the present invention as claimed is different in at least these respects, and consequently in scope and claimed matter, from Daniel. Applicant respectfully submits that Daniel, taken alone or in combination with other art of record, does not teach or suggest the claimed invention, and respectfully disagrees with the Examiner's attributing several elements of independent claims 1 and 16 to Daniel.

Specifically, claim 1 in the present invention is directed to a control interface for controlling CSTA protocols in a PBX switch. On the other hand, Daniel is directed to performing remote maintenance on a plurality of PBX switches from a remote location, and not to a control interface or to the CSTA protocol. Daniel does not address, suggest or even mention a method for interacting between the CSTA protocol and a control interface.

Further, Applicant disagrees with the Examiner's characterization of the disclosure of Daniel in attributing a "component based interface objects running on said computing platform, said component based interface objects defines properties, methods, and events, said properties, methods and events being mapped to provide diagnostic and statistical information" as being within the teachings of Daniel. (See Office Action, ¶4, page 3.) The

Examiner alleges that the component based interface objects may read on the expert system that invokes the testing procedure. Applicant submits that the referenced expert system does not qualify as a component-based interface object. The Examiner fails to show how the expert system described in Daniel is, or can be, used to provide statistical information. The burden is on the Examiner to show how this claim element is present in Daniel and Applicant respectfully submits that this burden has not been met.

Accordingly, Applicant believes that claims 1 and 16 as pending are neither anticipated by nor rendered obvious in view of Daniel, taken individually or in combination with any other cited reference.

**Dependent Claims**

Applicant has not independently addressed the rejections of the dependent claims 2-9 and 17-25 because Applicant believes that, as the independent claims 1 and 16 from which the dependent claims depend are allowable for at least those reasons discussed *supra*, the dependent claims are allowable for at least similar reasons. Applicant however, reserves the right to address such rejections should such be necessary.

**Provisional Double Patenting Rejection**

Claims 1-30 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of co-pending Application No. 09/863,912. The Examiner has indicated by telephone that a Terminal Disclaimer in view of 09/864,009 and 09/864,096 is also required.

While the rejection of these claims under the judicially created doctrine of obviousness-type double patenting is provisional as none of the claims identified as being in conflict have yet been patented, Applicants herewith submit a Terminal Disclaimer under 37 CFR §1.321 disclaiming the term of any patent issuing from this application in view of any patent granted from US Application No. 09/863,912, U.S. Application No. 09/864,009 and U.S. Application No. 09/864,096. Applicants' filing of the Terminal Disclaimer is not intended to be construed as an admission as to the merits of this rejection but is merely done to facilitate prosecution and obviate the rejection.

Applicants respectfully submit that this provisional rejection is hereby overcome and respectfully request that it be withdrawn.

In view of the foregoing, Applicants believe that claims 1-30 as pending are patentable over the prior art of record, taken alone or in combination, and respectfully request that the respective rejections be withdrawn and the application allowed.

**CONCLUSION**

All the rejections/objections of claims having been addressed and the claims as pending being believed allowable, Applicant submits that the application is hereby placed in condition for allowance.

Based on the foregoing, Applicant respectfully request reconsideration and allowance of this application.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

*Francis Montgomery*

Francis G. Montgomery

Reg. No. 41,202

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830  
(732) 321-3130